

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MARK ACKLEY,

Civil No. 21-1806 (JRT/LIB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

B. BIRHOLTZ, WARDEN OF FEDERAL
PRISON CAMP DULUTH, AND MICHAEL
CARVAJAL, DIRECTOR OF THE FEDERAL
BUREAU OF PRISONS, IN THERE OFFICIAL
CAPACITIES,

Defendants,

Mark Ackley, **FPC DULUTH**, Reg No. 16755-029, FPC-Duluth, P.O. Box 1000,
Duluth, MN 55814-1000, pro-se petitioner.

Ana H. Voss, **UNITED STATES ATTORNEY'S OFFICE**, 300 S. 4th Street, Suite
600, Minneapolis, MN, 55415, for respondent.

Ann M. Bildtsen, **UNITED STATES ATTORNEY'S OFFICE**, 300 S. 4th Street,
Suite 600, Minneapolis, MN, 55415, for respondent.

Based upon the Report and Recommendation of United States Magistrate Judge Leo
I. Brisbois, and after an independent review of the files, records and proceedings in the
above-entitled matter, **IT IS HEREBY ORDERED** that:

1. This action is **DISMISSED without prejudice** under Federal Rule of Civil
Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: October 6, 2021
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court